

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**JAE JUNE PAK, # 02116-093,**

**Plaintiff,**

**vs.**

**UNKNOWN PARTY (Six Unknown  
Names Agents)**

**and BARACK OBAMA,**

**Defendants.**

**Case No. 13-cv-716-JPG**

**MEMORANDUM AND ORDER**

**GILBERT, District Judge:**

This *pro se* civil rights action was filed by or on behalf of Plaintiff Jae June Pak on July 19, 2013, invoking 42 U.S.C. § 1983. The complaint was not signed by Plaintiff. The envelope in which it was mailed bore the return address of Young Yil Jo (Inmate No. 01183-112), at the ICE Processing Center in El Paso, Texas (Doc. 1-1).

Mr. Jo is a notorious recreational filer who has accumulated numerous “strikes” as a result of filing frivolous cases in various federal courts. He has also been banned from filing new actions in this Court. *See Jo v. Six Unknown Names Agents*, 12-cv-1007-GPM (S.D. Ill., Doc. 4, Jan. 2, 2013); *Support Sys. Int’l, Inc. v. Mack*, 45 F.3d 185 (7th Cir. 1995). In the “*Mack*” order in Mr. Jo’s case, the Court noted that along with his own complaint, Mr. Jo had submitted another complaint on behalf of a different inmate (*See Lyttle v. Six Unknown Names Agents*, S. D. Ill. Case No. 12-cv-1006-GPM).

Like the complaints in both Mr. Jo’s case and Mr. Lyttle’s case, the instant complaint is a rambling, disjointed, and nonsensical collection of legal terms and phrases that fails to state any

cognizable constitutional claim. If Plaintiff Pak indeed authorized Mr. Jo to file this complaint for him, he has made a poor choice of advocate.

When this action was filed, Plaintiff Pak neither paid the \$400.00 civil filing fee nor submitted a motion for leave to proceed *in forma pauperis* (“IFP”). Therefore, the Clerk notified him by letter dated July 19, 2013, that he must either pay or file his IFP motion within 30 days or face dismissal of the case (Doc. 2). That letter was returned to the Court on August 6, 2013, as undeliverable (Doc. 3).

Plaintiff Pak has failed to take any action to properly prosecute this matter – he did not sign the complaint, he has not provided the Court with a current address, and he has not paid the fee nor sought leave to proceed IFP. *See* FED. R. CIV. P. 11; FED. R. CIV. P. 41(b). Indeed, considering Mr. Jo’s involvement and the lack of a valid address for Plaintiff, it appears questionable whether Plaintiff Pak is even aware that the action was filed. Based on this record, the Court finds it appropriate to dismiss the action without prejudice.

### **Disposition**

For the reasons stated above, this action is **DISMISSED without prejudice** for failure to prosecute.

Plaintiff is **ADVISED** that this dismissal shall not count as one of his allotted “strikes” under the provisions of 28 U.S.C. § 1915(g). Plaintiff’s obligation to pay the filing fee for this action was incurred at the time the action was filed, thus the filing fee of \$400.00 remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

If Plaintiff wishes to appeal this dismissal, he may file a notice of appeal with this court within thirty days of the entry of judgment. FED. R. APP. P. 4(a)(4). A motion for leave to appeal *in forma pauperis* should set forth the issues Plaintiff plans to present on appeal. *See*

FED. R. APP. P. 24(a)(1)(C). If Plaintiff does choose to appeal, he will be liable for the \$455.00 appellate filing fee irrespective of the outcome of the appeal. *See* FED. R. APP. P. 3(e); 28 U.S.C. § 1915(e)(2); *Ammons v. Gerlinger*, 547 F.3d 724, 725-26 (7th Cir. 2008); *Sloan v. Lesza*, 181 F.3d 857, 858-59 (7th Cir. 1999); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). Moreover, if the appeal is found to be nonmeritorious, Plaintiff may also incur a “strike.” A timely motion filed pursuant to Federal Rule of Civil Procedure 59(e) may toll the 30-day appeal deadline.

The Clerk shall **CLOSE THIS CASE** and enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: August 14, 2013**

s/ J. Phil Gilbert  
**United States District Judge**